

SEP 24 2007

**WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP***Intellectual Property Law*  
Patents • Trademarks • CopyrightsTen Post Office Square  
Boston, Massachusetts 02109  
Tel. 617.542.2290 • Fax. 617.451.0313  
www.wsllp.com**FACSIMILE COVER SHEET**

DATE: September 24, 2007

TO: Examiner Daryl C. Pope  
TC Art Unit: 2612

Fax No.: (571) 273 8300

FROM: Richard E. Gamache

No. of pages transmitted  
(including this page): 21

Our File: BU-094XX

Time:

Your Ref:

Sent by: Paula

Application No. 10/531,486

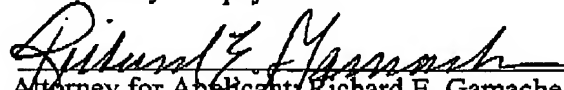
Filed Date: April 15, 2005

Confirmation No.: 8648

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐  
MESSAGEPLEASE DELIVER DIRECTLY TO:  
EXAMINER DARYL C. POPE, Tel. (571) 272-2959  
TC ART UNIT NO: 2612**FOR ENTRY**

Enclosed for filing please find an amendment dated September 24, 2007

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
Attorney for Applicant Richard E. Gamache  
Registration No. 39,196

357338

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.

SEP 24 2007

Application No.: 10/331,486  
Filed: April 15, 2005  
TC Art Unit: 2612  
Confirmation No.: 8648

Rev 9/06

WEINGARTEN, SCHURGIN, GAGNEBIN &amp; LEBOVICI LLP

Ten Post Office Square  
Boston, Massachusetts 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

Date: September 24, 2007

Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Attorney

Docket No.: BU-094XX

Sir:

In re application of: James E. Hubbard, Jr. et al.

Entitled: PATIENT ACTIVITY MONITOR

09/25/2007 VBU111 00000009 230004 10531486

01 FC:2251 60.00 DA


Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17(e).  
☐ Enter the unentered amendment previously filed on per §1.116.

☒ Small Entity Status is asserted.☒ A Petition for Extension of Time for 1 month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$60.00) per §1.17.☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.☐ Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	2 - 3	= 0	x \$200.00 =	0
Total	32 - 36	= 0	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE				0

☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ ) for the cost of same.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.I hereby certify that this correspondence is being sent via facsimile to Examiner Daryl C. Pope, TC Art Unit 2612, Fax No. (571) 273 8300, on Sept. 24, 2007.
  
 Attorney of Record: Richard E. Gamache  
 Registration No.: 39,196

REG/pjd/357337

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2007

PATENT

Rev 02/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : James E. Hubbard, Jr. et al.  
Application No. : 10/531,486  
Filed : April 15, 2005  
Confirmation No. : 8648  
For : PATIENT ACTIVITY MONITOR  
Examiner : Daryl C. Pope  
Attorney's Docket : BU-094XX

TC Art Unit: 2612

\*\*\*\*\*  
I hereby certify that this correspondence is being sent via  
facsimile to Examiner Daryl C. Pope, TC Art Unit 2612, Fax No.  
(571) 273 8300, on September 24, 2007.

By:

Richard E. Garache

Registration No. 39,196

Attorney for Applicants

\*\*\*\*\*

AMENDMENT

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 15, 2007 please  
amend the above-identified patent application as follows.

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
TEL. (617) 542-2290  
FAX. (617) 451-0313